

§§ 9001 to 9009. Repealed. Pub. L. 107-279, title IV, § 403(1), Nov. 5, 2002, 116 Stat. 1985

Section 9001, Pub. L. 103-382, title IV, § 402, Oct. 20, 1994, 108 Stat. 4029; Pub. L. 105-244, title I, § 102(a)(6)(L), Oct. 7, 1998, 112 Stat. 1619; Pub. L. 107-110, title X, § 1076(r), Jan. 8, 2002, 115 Stat. 2092, set forth findings and purpose and defined terms.

Section 9002, Pub. L. 103-382, title IV, § 403, Oct. 20, 1994, 108 Stat. 4030, established National Center for Education Statistics, to be headed by Commissioner of Education Statistics. See sections 9541 and 9542 of this title.

Section 9003, Pub. L. 103-382, title IV, § 404, Oct. 20, 1994, 108 Stat. 4031, set forth duties of Center. See section 9543 of this title.

Section 9004, Pub. L. 103-382, title IV, § 405, Oct. 20, 1994, 108 Stat. 4032, related to performance of duties. See section 9544 of this title.

Section 9005, Pub. L. 103-382, title IV, § 406, Oct. 20, 1994, 108 Stat. 4033, related to reports. See section 9545 of this title.

Section 9006, Pub. L. 103-382, title IV, § 407, Oct. 20, 1994, 108 Stat. 4033, established Advisory Council on Education Statistics.

Section 9007, Pub. L. 103-382, title IV, § 408, Oct. 20, 1994, 108 Stat. 4034; Pub. L. 107-56, title V, § 508, Oct. 26, 2001, 115 Stat. 368; Pub. L. 107-279, title IV, § 401(a), Nov. 5, 2002, 116 Stat. 1982, related to confidentiality of persons in collection, reporting, and publication of data. See section 9573 of this title.

Section 9008, Pub. L. 103-382, title IV, § 409, Oct. 20, 1994, 108 Stat. 4035, related to dissemination of statistical records and making of statistical compilations and surveys. See section 9546 of this title.

Section 9009, Pub. L. 103-382, title IV, § 410, Oct. 20, 1994, 108 Stat. 4036, authorized establishment of national cooperative education statistics systems. See section 9547 of this title.

SHORT TITLE

Pub. L. 103-382, title IV, § 401, Oct. 20, 1994, 108 Stat. 4029, which provided that title IV of Pub. L. 103-382, enacting this chapter, could be cited as the “National Education Statistics Act of 1994”, was repealed by Pub. L. 107-279, title IV, § 403(1), Nov. 5, 2002, 116 Stat. 1985.

§§ 9010, 9011. Transferred

CODIFICATION

Section 9010, Pub. L. 103-382, title IV, § 411, Oct. 20, 1994, 108 Stat. 4036; Pub. L. 107-110, title VI, § 602(a), Jan. 8, 2002, 115 Stat. 1898; Pub. L. 107-279, title IV, § 401(d)(1)–(7), Nov. 5, 2002, 116 Stat. 1984, was renumbered Pub. L. 107-279, title III, § 303, by Pub. L. 107-279, title IV, § 401(d)(8), Nov. 5, 2002, 116 Stat. 1984, and transferred to section 9622 of this title.

Section 9011, Pub. L. 103-382, title IV, § 412, Oct. 20, 1994, 108 Stat. 4039; Pub. L. 106-554, § 1(a)(1) [title III, § 307], Dec. 21, 2000, 114 Stat. 2763, 2763A-44; Pub. L. 107-110, title VI, § 602(b), Jan. 8, 2002, 115 Stat. 1904; Pub. L. 107-279, title IV, § 401(c)(1)–(5), Nov. 5, 2002, 116 Stat. 1983, was renumbered Pub. L. 107-279, title III, § 302, by Pub. L. 107-279, title IV, § 401(c)(6), Nov. 5, 2002, 116 Stat. 1984, and transferred to section 9621 of this title.

§ 9012. Repealed. Pub. L. 107-279, title IV, § 403(1), Nov. 5, 2002, 116 Stat. 1985

Section, Pub. L. 103-382, title IV, § 413, Oct. 20, 1994, 108 Stat. 4041, authorized appropriations.

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CODIFICATION

Title II of Pub. L. 94-462, comprising this chapter, was originally enacted as Pub. L. 94-462, title II, Oct. 8, 1976, 90 Stat. 1975; Pub. L. 96-496, title II, § 201, Dec. 4, 1980, 94 Stat. 2591; Pub. L. 98-306, §§ 8-11, May 31, 1984, 98 Stat. 225; Pub. L. 99-194, title II, Dec. 20, 1985, 99 Stat. 1344; Pub. L. 101-512, title III, § 318 [title II, §§ 201, 202(a)(1), (b), 203-205], Nov. 5, 1990, 104 Stat. 1960, 1974, 1975, known as the Museum Services Act, and classified to section 961 et seq. of this title. Title II is shown, herein, however, as having been added by Pub. L. 104-208 without reference to such intervening amendments because of the extensive amendments to the provisions of title II by Pub. L. 104-208.

SUBCHAPTER I—GENERAL PROVISIONS

§ 9101. General definitions

As used in this chapter:

(1) Determined to be obscene

The term “determined to be obscene” means determined, in a final judgment of a court of record and of competent jurisdiction in the United States, to be obscene.

(2) Director

The term “Director” means the Director of the Institute appointed under section 9103 of this title.

(3) Final judgment

The term “final judgment” means a judgment that is—

- (A) not reviewed by any other court that has authority to review such judgment; or
- (B) not reviewable by any other court.

(4) Indian tribe

The term “Indian tribe” means any tribe, band, nation, or other organized group or community, including any Alaska native village, regional corporation, or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)), which is recognized by the Secretary of the Interior as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(5) Institute

The term “Institute” means the Institute of Museum and Library Services established under section 9102 of this title.

(6) Museum and Library Services Board

The term “Museum and Library Services Board” means the National Museum and Library Services Board established under section 9105a of this title.

(7) Obscene

The term “obscene” means, with respect to a project, that—

- (A) the average person, applying contemporary community standards, would find that such project, when taken as a whole, appeals to the prurient interest;
- (B) such project depicts or describes sexual conduct in a patently offensive way; and
- (C) such project, when taken as a whole, lacks serious literary, artistic, political, or scientific value.

(Pub. L. 94-462, title II, § 202, as added Pub. L. 104-208, div. A, title I, § 101(e) [title VII, § 702], Sept. 30, 1996, 110 Stat. 3009-233, 3009-294; amended Pub. L. 108-81, title I, § 101, Sept. 25, 2003, 117 Stat. 992.)

REFERENCES IN TEXT

The Alaska Native Claims Settlement Act, referred to in par. (4), is Pub. L. 92-203, Dec. 18, 1971, 85 Stat. 688, as amended, which is classified generally to chapter 33 (§ 1601 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 43 and Tables.

PRIOR PROVISIONS

A prior section 202 of Pub. L. 94-462 was classified to section 961 of this title prior to the general amendment of title II of Pub. L. 94-462 by Pub. L. 104-208.

AMENDMENTS

2003—Par. (1). Pub. L. 108-81, § 101(1), added par. (1) and struck out heading and text of former par. (1). Text read as follows: “The term ‘Commission’ means the National Commission on Libraries and Information Science established under section 1502 of this title.”

Pars. (3) to (5). Pub. L. 108-81, § 101(2)–(4), added pars. (3) and (4), redesignated former par. (3) as (5), and struck out heading and text of former par. (4). Text read as follows: “The term ‘Museum Board’ means the National Museum Services Board established under section 9175 of this title.”

Pars. (6), (7). Pub. L. 108-81, § 101(5), added pars. (6) and (7).

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108-81, title V, § 506, Sept. 25, 2003, 117 Stat. 1005, provided that: “The amendments made by this Act [enacting sections 9105a and 9107 to 9109 of this title, amending this section, sections 956a, 974, 1503 to 1505, 9102, 9103, 9106, 9121 to 9123, 9131, 9134, 9141, 9162, 9171 to 9173, and 9176 of this title, and section 170 of Title 26, Internal Revenue Code, repealing sections 9174 and 9175 of this title, enacting provisions set out as a note under this section, and repealing provisions set out as notes under sections 9102, 9103, and 9105 of this title] shall take effect on the date of enactment of this Act [Sept. 25, 2003], except that the amendments made by sections 203, 204, and 305 of this Act [amending sections 9123, 9131, and 9176 of this title] shall take effect on October 1, 2003.”

SHORT TITLE OF 2003 AMENDMENT

Pub. L. 108-81, § 1, Sept. 25, 2003, 117 Stat. 991, provided that: “This Act [enacting sections 9105a and 9107 to 9109 of this title, amending this section, sections 956a, 974, 1503 to 1505, 9102, 9103, 9106, 9121 to 9123, 9131, 9134, 9141, 9162, 9171 to 9173, and 9176 of this title, and section 170